CHRISTOPHER J. CANNON, State Bar No. 88034 Sugarman & Cannon FILED 44 Montgomery Street Suite 2080 AUG 1 8 2008 San Francisco, CA 94104 Telephone: 415-362-6252 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 4 Facsimile: 415-677-9445 5 Attorney for Defendant LOPEZ-ORTEGA 6 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 UNITED STATES OF AMERICA, No. CR-00-398-VRW 11 Plaintiff-Appellee JOINT MOTION FOR DISMISSAL 🗸 12 AND [PROPOSED] ORDER OF 13 DISMISSAL WITH PREJUDICE ATHELUALDO LOPEZ-ORTEGA, 14 Defendant-Appellant. 15 The defendant filed an appeal challenging his conviction and sentence. The parties 17 18 agree that the defendant's conviction and sentence in this case should be vacated, and the 19 Ninth Circuit has entered an order vacating the conviction and sentence in this case and 20 remanding this case to this Court for the purpose of allowing the government to move to 21 22 dismiss the indictment with prejudice in the district court. The parties hereby jointly move 23 to dismiss the indictment in this case with prejudice. 24 25 26 27 111 28

Respectfully submitted this 12th day of August, 2008. 2 3 BARBARA J. VALLIERE CHRISTOPHER J. CANNON Assistant United States Attorney Sugarman & Cannon 44 Montgomery Street Chief Appellate Section Suite 2080 450 Golden Gate Ave. San Francisco, CA 94104 San Francisco, CA 94102 415-436-7039 415-362-6252 Attorney for Defendant-Appellant Attorney for Plaintiff-Appellee 9 10 11 12 13 BASED UPON THE ORDER OF THE NINTH CIRCUIT AND THE JOINT MOTION 14 OF THE PARTIES: 15 16 The indictment in this case is hereby dismissed with prejudice. 17 18 19 DATED: A.S AUG 2008 20 21 The Hon. Vaughn R. Walker 22 United States District Court Judge 23 24 25 26 27 28